

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF ATMOS)	
ENERGY CORPORATION FOR AN)	CASE NO.
ADJUSTMENT OF RATES)	2018-00281

ORDER

The Commission issued an Order on January 8, 2019, setting a formal hearing on the Attorney General of the Commonwealth of Kentucky’s (Attorney General) motion to compel Atmos Energy Corporation (Atmos) to respond to his First Request for Information, Item 30, concerning the methodology for computing depreciation rates. Specifically, the Attorney General requested Atmos to provide its depreciation rates utilizing the average life group (ALG) methodology instead of the equal life group (ELG) methodology.¹ Atmos objected to the Attorney General’s motion to compel discovery and argued that under the Kentucky Rules of Civil Procedure the discovery request would not be allowed.² However, Atmos also acknowledges in the objection that pursuant to KRS 278.310, the Commission is not bound by the technical rules of legal evidence, and the applicability of the Kentucky Rules of Civil Procedure is limited to civil actions in the Court of Justice.³ A hearing for receiving oral arguments on the Attorney General’s Motion to Compel was conducted on January 10, 2019.

¹ Attorney General’s Motion to Compel Discovery (filed Dec. 21, 2018) at 1.

² Atmos Energy’s Response to Attorney General’s Motion to Compel Discovery (filed Dec. 28, 2018), at 1–4.

³ *Id.* at 1.

Having reviewed the pleadings and oral arguments, and being otherwise sufficiently advised, the Commission finds that the requested calculation of Atmos' depreciation rates using the ALG methodology is relevant to whether Atmos is proposing fair, just, and reasonable rates; and, therefore should be provided.

IT IS HEREBY ORDERED that:

1. The motion of the Attorney General to compel Atmos to respond to his First Request for Information, Item 30, is granted.
2. Atmos shall file the response to the above-referenced request into the record within 15 days of the date of this Order.
3. Atmos is permitted to seek recovery of the expense that it incurs providing the above-referenced information as a general rate case expense.

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By the Commission

ENTERED
JAN 14 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00281

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